IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 14699 of 2007()

PETITIONER:
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1. SADANANDAN V.K., S.N.SADANAM,
A.M.ROAD, MUNNAR.

2. N.K.SATHY, W/O.V.K.SADANANDAN,
S.N.SADANAM, A.M.ROAD, MUNNAR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

THE SECRETARY(SPECIAL GRADE),
MUNNAR GRAMA PANCHAYATH,
MUNNAR P.O. IDUKKI.

BY ADV. SMT.AYSHA YOUSEFF, SC, MUNNAR G.PANCHAY
SMT.MOLLY JACOB, SC, MUNNAR G.PANCHAYAT
SPL.GOVT. PLEADER SRI.D.ANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF DOCUMENT DTD. 21-1-73 OF DEVIKULAM SUB REGISTRY**
EXT.P2	**TRUE COPY OF DOCUMENT DTD. 23-5-79 OF DEVIKULAM SUB REGISTRY**
EXT.P3	**TRUE COPY OF DOCUMENT DTD. 1-2-83 OF DEVIKULAM SUB REGISTRY**
EXT.P4	**TRUE COPY OF COMMUNICATION DTD. 3-7-03 FROM THE PANCHAYAT TO THE PETITIONERS.**
EXT.P5	**TRUE COPY OF INTERIM ORDER DTD.25-3-04 IN W.P.C.NO.10394/04**
EXT.P6	**TRUE COPY OF UNDERTAKING DTD.12-1-05**
EXT.P7	**TRUE COPY OF LETTER DTD. 31-12-03 FROM THE ASSISTANT EXECUTIVE ENGINEER, N.H.(R) DEVIKULAM SUB DIVISION TO R2**
EXT.P8	**TRUE COPY OF LETTER DTD. 24-2-06 OF THE TAHSILDAR, DEVIKULAM**
EXT.P9	**TRUE COPY OF BUILDING PERMIT DTD. 5-8-06**
EXT.P10	**TRUE COPY OF APPROVED PALN**
EXT.P11	**TRUE COPY OF STOP MEMO DTD. 12-12-07**
EXT.P12	**TRUE COPY OF INTERIM ORDER DTD. 19-2-07 IN W.P.C.NO.5410/07**
EXT.P13	**TRUE COPY OF STOP MEMO DTD. 3-5-07 ISSUED BY THE RESPONDENT**
EXT.P14	**TRUE COPY OF STOP MEMO DTD. 3-5-07 ISSUED BY THE RESPONDENT**
EXT.P15	**TRUE COPY OF NOTICE DTD. NIL ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, N.H.DIVISION, DEVIKULAM.**

RESPONDENT'S EXHIBITS

EXT.R1(A)	**PHOTOCOPY OF THE REPLY GIVEN BY THE PETITIONER DTD. 4-5-07**
EXT.R1(B)	**PHOTOCOPY OF THE REPLY GIVEN BY THE PETITIONER.**
EXT.R1(C)	**PHOTOCOPY OF THE PHOTOGRAPHS OF THE PRESENT CONSTRUCTION OF A NEW BUILDING OF PETITIONERS.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 14699 of 2007

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Dated this the 20th day of June, 2007

JUDGMENT

Petitioners challenge Exts.P13 and P14 issued by the respondent Panchayat. One of the contentions taken is that, how petitioners have violated Section 218 is not reflected in Exts.P13 and P14. It is pointed out that respondents have not raised any objection on the ground that the planned construction would offend either section 218 or section 220(b) of the Panchayat Raj Act. Learned counsel appearing on behalf of the respondent Panchayat would then submit that the Panchayat will issue a fresh notice/notices to the petitioners and it is open to the petitioners to raise all their objections before the Panchayat.

The writ petition is disposed of recording the submission of the learned counsel for the Panchayat and leaving the respondent Panchayat free to issue notice to the petitioners who are also left free to raise the contentions available to them before the Panchayat.

(K.M.JOSEPH, JUDGE)

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